

Agenda Item: III.B.

DATE: July 15, 2004

SUBJECT: Public Necessity and Permanent Rule Revision - Chapter 1540-1-5, Public Higher Education Fee Discounts for Children of Licensed Public School Teachers and State Employees

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: In 1990, the General Assembly passed legislation to provide a twenty-five percent (25%) tuition discount at any public postsecondary institution to the children of public school teachers. Over the years the discount was extended to other groups; first to children of state employees, then to children of retired state employees, as well as children of state employees killed on the job or in the line of duty, and later, to children of state employees who die while employed by the state, regardless of whether the death was in any way related to the employee's job.

The General Assembly extended discount in this year's session to apply to what is likely to be a small number of public teachers' children. Specifically, children of public school teachers whose parent/teacher dies while the student is receiving the discount will continue to receive the discount for as long as the student is otherwise eligible, as if the parent/teacher had not died.

The statute authorizing the discounts requires the Commission to promulgate rules to implement the program. The attached document reflects changes made pursuant to the statutory change, as well as modifications that will make the rules easier to understand. The changes are reflected by the underlining of new language and ~~striketroughs~~ of deleted language.

By approving this agenda item, you are adopting two identical sets of rules; public necessity rules that will become effective immediately upon filing with the Secretary of State, and proposed rules that will follow the regular rulemaking process.

RECOMMENDED PUBLIC NECESSITY AND PROPOSED RULE REVISIONS
CHAPTER 1540-1-5
PUBLIC HIGHER EDUCATION FEE DISCOUNTS FOR CHILDREN OF
LICENSED PUBLIC SCHOOL TEACHERS AND STATE EMPLOYEES

1540-1-5-.01	Definitions
1540-1-5-.02	Eligibility
1540-1-5-.03	<u>Limitations</u>
1540-1-5-.04	Appeals Procedures
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1540-1-5-.01 Definitions

- (1) Child under the age of twenty-four: Dependent children, twenty-three years of age or younger, of certified public school teachers or employees of the State of Tennessee, ~~as herein defined, using the following criteria who are:~~
 - (a) The natural children or legally adopted children of the teacher or state employee.
 - (b) The stepchildren of the teacher or state employee living with the teacher or state employee in a parent/child relationship.
 - (c) Otherwise eligible and living in a parent/child relationship with the teacher or state employee, such as children of deceased parents who are being raised by a grandparent who is employed as a teacher or state employee.
 - (d) Children, as described in (a) through (c) above, of a teacher who died while employed as a public school teacher, and who are utilizing the benefit at the time of the parent/teacher's death.
- (2) Certified teacher in any public school in Tennessee or Teacher: Teachers, supervisors, principals, superintendents and other personnel who are licensed by the Tennessee Department of Education or by a branch of the U.S. Armed Forces to teach Reserve Officer Training Corps, and employed by any local board of education, for service in public, elementary and secondary schools in Tennessee supported in whole or in part by state funds (~~hereinafter called "teacher"~~).
- (3) Deceased state employee: Persons who at the time of their death were full-time employees of the State of Tennessee.
- (4) Full-time teachers: School employees whose position requires them to be on the job on school days throughout the school year at least the number of hours during which schools in the local board of education ~~agency~~ are in session.
- (4) Full-time supervisors, principals, superintendents and other personnel: School employees who are licensed by the Tennessee Department of Education whose current assignments, regardless of their classification, require his or her services each working day at least a number of hours equal to ~~the number of hours of~~ a regular working day.
- (5) Full-time employees of the State of Tennessee: Employees of the executive, judicial, or legislative branches of Tennessee state government scheduled to work one thousand nine hundred and fifty (1,950) hours or more per year.
- (6) Maintenance fees: Fees charged to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of student credit hours for which the student enrolls. Alternatively, at technology center this term refers to program fees. Tuition does not include

application for admission fees, student activity fees, debt service fees, lab fees, applied music fees, the cost of books or other course materials, dormitory charges, or meal plans.

- (7) Retired state employee: Employees of the State of Tennessee who retire after a minimum of twenty-five (25) years of full-time creditable service, although he or she may be deceased at the time the child seeks the benefit provided by this chapter.
- ~~(8) Tuition: Undergraduate maintenance fees or area school program fees.~~
- (9) State operated institution of higher learning or Institution: Any institution operated by the University of Tennessee or the Tennessee Board of Regents which offers courses of instruction beyond the high school level ~~(hereinafter called "institution").~~

1540-1-5-.02 Eligibility

- (1) The successful applicant for a student fee discount must meet all of the following:
 - (a) Be twenty-three years of age or under;
 - (b) Be a child of a teacher or state employee in Tennessee as defined in this chapter;
 - (c) Be eligible according to the regulations ~~as described herein in this chapter;~~ and
 - (d) Be eligible for enrollment at the institution for which a student fee discount is sought according to the academic rules and regulations of the institution.
- (2) Eligible children may enroll in any number of courses up to and including full-time study.
- (3) Fee discounts are only available for courses classified as undergraduate as defined by the institutions.
- (4) Eligibility for the discount will be based on the employment status of the teacher or state employee and the age of the child on the first day of classes for the term as determined by the institution ~~will be used to determine eligibility for a student fee discount for that term.~~ A change in employment status or the child's age after the first day of classes will affect eligibility for the discount only for subsequent terms.
- (5) At the time of enrollment, the student must present a completed form for children of teachers or state employees certifying eligibility to receive a tuition discount. This form must be signed by the teacher or state employee, his or her employer, and the student. Forms are available at the public higher education institutions or at the Commission's website <www.state.tn.us/thec>. Children of retired state employees must have this form signed by a designated official of the State Treasury Department, Division of Retirement to verify that the identified state employee has retired with a minimum of twenty-five (25) years of creditable service. For children of state employees killed on the job or in the line of duty, the form must be signed by a designated official of the state agency at which the employee was last employed.

1540-1-5-.03 Limitations

- (1) Fee discounts will not be retroactive for prior terms. Fee discounts are available only by application and should be approved prior to the beginning of the term for which a discount is being sought.
- (2) The fee discount described herein may not be used in conjunction with any other fee waiver or discount program. No eligible child shall receive a discount greater than twenty-five percent (25%) for any one term under the provisions of the programs described by this chapter.

- (3) ~~Fee discounts described herein will be available beginning with the Fall 1990 term for children of teachers and with the Fall 1992 term as defined by the institutions for children of state employees. Fee discounts for children of retired state employees or of state employees killed on the job or in the line of duty will be available beginning with the fall 1993 term.~~
- (4) The Higher Education Commission ~~will have the authority to~~ shall develop a methodology for allocating appropriations to reimburse institutions for actual fee discounts ~~under the provisions of the Act provided pursuant to this program.~~

1540-1-5-.04 APPEALS PROCEDURES.

Appeals regarding the determination of eligibility of the applicant will be available in a manner consistent with institutional procedures now in place for admissions decisions.

~~1540-1-5-.05 PRECEDENCE OF THE ACT.~~

~~These rules are subordinate to the Act and are intended to facilitate its implementation. Any portion of these regulations which are adjudicated as contrary to law are to be considered null and void. All other portions of these rules shall be severed therefrom and considered in full force.~~